UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/366,749	08/04/1999	CHRISTOPHER THOMAS VOIGT	1330.1031/JR	3440

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EXAMINER
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ART UNIT	PAPER NUMBER
2175	

DATE MAILED: 10/22/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21, 23 and 24* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-21, 23, 24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

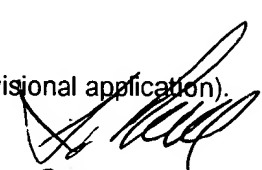8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

SAM RIMELL
PRIMARY EXAMINER

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .

4)☐ Interview Summary (PTO-413) Paper No(s). _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: .

Claims 1-16 and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 14, 15 and 20 refer to a user interface at a "prior time", and modifications made to the user interface after the prior time. Such statements are highly confusing because they make it unclear whether the invention is the "prior" state of the user interface, the "present" state of the user interface, or both the prior and present states. In general, claims to a physical system should not be addressed to both a prior state of that system and a present state of that system since it will not be clear whether the invention is defined by one of the states or both of the states.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1, 4-9 and 11-21, 23 and 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Myers et al. ('450).

Myers et al. discloses a healthcare system (8) used by various medical providers, administrators and analysts within the healthcare system. Each of the users may have different roles. The purpose of the healthcare system (8) to maintain medical records and provide access to medical records. Authorization for access to the records is provided through user interfaces (18, 20, 22). The records are accessed by users with a user interface application, which is the computer program which supports the integration interfaces (screen shots shown in FIGS 2A and

2B). The document management system is shown in FIG. 1 is a set of servers (10, 12, 14 and the controller 16). The authorization and access to the document management system (10, 12, 14, 16) is separate from the authorization and access to the user interfaces (18, 20, 22) by virtue of the fact that they are physically separate systems. A user must first gain access to one of the user interfaces (18, 20, 22) and the user interface must then gain access to the management system (10, 12, 14, 16). FIGS 2A and 2B illustrate the integration interfaces as screen shots. Whenever a user clicks or otherwise activates a function on the interface, the interface application program becomes modified because it has received input from the user and must respond to the input. These modifications are translated into commands to access the data within the document management system. The modified user interface automatically accesses the document management system when such a request is made. The user interface does not access the document management system at prior times before the request is made and before the user interface is modified.

In the integration interface, "document deficiency information" in the form of patient data is entered into the interface. The integration interface can then send commands to the document management system to perform updates of the files stored in the document management system (col. 3 lines 39-45).

The addition of a new patient record (FIG. 2A, numeral 26), or the update of a patient record is definable as an "audit event" and is recorded by the document management system via the integration interface.

The integration interface displays documents, such as a patient chart (FIG 2B) obtained from the document management system.

The system of Myers et al. operates on an object-oriented architecture, and deploys object servers and object controllers (FIG. 1, numerals 10-16). Accordingly, commands from the integration interface will inherently be transformed into query objects, and the information retrieved will inherently be in the form of documents objects or chart objects.

The integration interface includes a number of different controls. These include: a chart display control (42); document display control (radio buttons 28b) and an image display control (radio button marked "imaging studies" in FIG. 2A).

The user interface, which is a workstation, includes all of the controls defined within the integration interface. It further includes a chart control (scroll bar adjacent spiral notebook simulation in left portion of FIG. 2B), a chart view button (42), and a document viewer (44) in FIG. 2B.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 2, 3 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Myers et al ('450).

Myers et al. differs from claims 2-3 in that it does not specifically define the log-on and connection procedures for connecting end user to the document management system. However, Examiner takes Official Notice that it is well known in the art for a user to log-on to a

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workstation, and for the interface program of the workstation to log-on to a network, as a conventional start-up practice.

Accordingly, it would have been obvious to one of ordinary skill in the art to have a user in the system of Myers et al. to log on to a workstation, and for the integration interface to log-on to the network connected the document management system, as is a conventional and well known start-up practice used in network computing.

Myers et al. differs from claim 10 in that it does not suggest session manager objects deployed in the object-oriented architecture. Examiner maintains that a chart object and a document object are inherent within the Myers et al. system, since the object oriented servers (10-16) would have to manipulate charts and documents in the form of chart objects and document objects. Query objects would also be inherent, since the integration interface of Myers et al. must perform queries to object oriented servers (10-16).

However, Myers et al. does not specifically suggest the use of a session manager object, although Examiner takes Official Notice that session manager programs are known in the art for use in workstations. Accordingly, the usage of session manager objects in an object oriented environment such as that of Myers et al. would have been obvious to one of ordinary skill in the art as a necessity to permit the operation of a session manager program.

Remarks

Applicant's amendments have overcome the previous grounds of rejection under 35 USC 101 and 112, but a new grounds of rejection under 35 USC 112 exists.
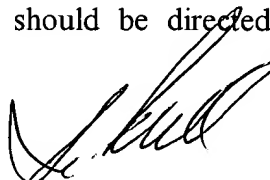
In general, applicant argues that Myers et al. does not disclose modifications made to the user interface application or separate access between the healthcare system and the document

management system. Examiner maintains that Myers et al. discloses both of these features. As explained in the first paragraph of the rejection under 35 USC 102, Myers et al. creates "modifications" to the interface application program simply by having the user interact with the integration interfaces of FIGS 2A and 2B. These interactions create input to which the interface application program must respond and create commands to the document management system.

In addition, Myers et al. discloses separate authorization and access to the user interfaces (18, 20, 22) and document management system (10, 12, 14,16) by virtue of the fact that they are completely separate systems. The user must first access the user interface, and the user interface must then accesses the document management system. These are separate and independent accessing steps.

Any inquiry concerning this communication should be directed to Sam Rimell at telephone number (703) 306-5626.

Sam Rimell
Primary Examiner
Art Unit 2166